
Kentucky State Board of Physical Therapy

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July 19, 2000

John A. Johnson
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400 W, Main Street Suite 1800
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Re: Opinion and Declaratory Ruling regarding state law governing the performance of
"routine restorative services" by the Kentucky State Board of Physical Therapy

Dear Mr. Johnson:

This correspondence is in response to your letter dated April 26, 2000, asking for an opinion from the Kentucky State Board of Physical Therapy regarding state law governing the provision of "routine restorative services" under KRS 327.020(1). Please be advised that the Board took up this matter at its May, 2000, meeting and finalized this Opinion at its July 13, 2000, meeting.

Please keep in mind that this correspondence is an opinion of the Board based solely on the facts you have presented, which will be summarized below. The Board has authorized this opinion to you as an Opinion and Declaratory Ruling pursuant to KRS 13A.130(3) and KRS 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and regulations governing the practice of physical therapy in the Commonwealth of Kentucky.

I. Whether other health care employees may provide certain services to patients under KRS Chapter 327.

The Board is first presented with the question of who may provide physical therapy services. Under KRS 327.020(1), no person except a credential holder of the Board may "practice physical therapy." That term is defined in KRS 327.010(1) and need not be summarized here. Just as only a credential holder of the Board may practice physical therapy, so, too, may a credential holder only refer to himself as a "physical therapist" or "physical therapist's assistant" unless appropriately credentialed by the Board.

KRS Chapter 327 also contemplates the often overlapping practice of other regulated health care professionals. KRS 327.020(1) also exempts from the practice act provisions of KRS Chapter 327 "any person license in this state under any other law from engaging in the practice for which such person is duly licensed." Thus, physicians may practice medicine, nurses may practice nursing, and dentists may practice dentistry.

KRS Chapter 327 also further contemplates other health care employees, acting under the direction and control of such persons licensed in Kentucky who engage in the practice of their profession, who provide services to patients. KRS 327.020(1) also states that “nothing contained in this chapter shall prohibit routine and restorative services performed by personnel employed by hospitals, physicians or licensed health care facilities as relates to physical therapists.”

II. What constitutes “routine restorative services” under KRS 327.020(1)?

While the Board cannot state a definition that would be all inclusive of the scope of all activities that could possibly be contained within this exemption, the Board is therefore left to interpret “routine and restorative services” under its statute on a case-by-case basis. This approach is appropriate because the provision of “routine and restorative services” is an exemption to its practice act.

Many general factors would be considered by the Board when deciding whether a specific activity or service met the exemption of “routine and restorative services” by a qualified person under KRS 327.020(1). Such factors would include: 1) the diagnosis of the patient; 2) the chronicity of the condition; 3) the age and general physical condition of the patient; 4) goals and outcomes intended for the patient; 5) the patient’s medical history; 6) education, training, and experience of the person providing the activity or service as it applies to the previous five factors.

II. Conclusion.

As the agency authorized by the Kentucky General Assembly to regulate the practice of physical therapy in this state, the Board is empowered to interpret its statutes and regulations. In summary, “routine and restorative services” is an exemption to practice act definitions of KRS Chapter 327 when carried out by a qualified person set forth under KRS 327.020(1). While this exemption is too broad to be definitively defined to include all possible types of services, the Board would rely on a case-by-case determination applying the factors as set forth above.

Sincerely yours,

Kentucky State Board of Physical Therapy

By:
Barbara J. Bruening, P.T., Chair

cc: Board members